



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



August 14, 2003

LETTER OF DEFICIENCY #WSEB 03-227
CERTIFIED MAIL #7099 3400 0003 0690 1902

Raymond Walston
Burnhaven Condominium Association
39 Alderwood Drive
Stratham, NH 03885

Subject: Stratham - Public Water System: Burnhaven (EPA #2232160)

Dear Mr. Walston:

The records of the Department of Environmental Services (DES) show that the subject water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more service connections, or 25 or more people, for 60 or more days per year. As such, the owner of the water system is required to comply with NH Administrative Rule Env-Ws 300, *New Hampshire Drinking Water Rules*.

PERMIT TO OPERATE

Pursuant to Env-Ws 303.03, the water system owner is required to obtain a "permit to operate" from DES. This permit must be renewed by July 1st of each year.

According to Env-Ws 303.03(e) the permit to operate for community water systems is calculated at \$10 per service connection or household equivalent, to a maximum of \$300.00. DES records show that the PWS has failed to pay for and obtain a permit to operate for state fiscal year 2004, which began July 1, 2003, and is, therefore, in violation of Env-Ws 303.03.

DES believes the permit to operate violation can be corrected by taking the following action:

1. **By August 28, 2003, complete the permit application, make any necessary corrections to the "Contact Information Report," and pay the outstanding permit to operate fee of \$300.00 for state fiscal year 2004.**

For your convenience, a new permit application and Contact Information Report are enclosed. **Please review both documents, make any necessary corrections, and sign the application.** Checks should be made payable to "Treasurer, State of New Hampshire." Please include your system's EPA number on the check. Please contact Linda Thompson at (603) 271-3544 or by email at lthompson@des.state.nh.us, if you have any questions regarding the permit to operate renewal process.

EMERGENCY PLAN

Pursuant to Env-Ws 360.14, the water system owner was required to submit an Emergency Plan to DES by March 15, 2003.

On or about March 21, 2002, DES sent the subject water system a letter that explained the requirements of the Emergency Plan rule, noted the deadline of March 15, 2003, for submission of the Emergency Plan to DES, and indicated how to obtain assistance in preparing the Emergency Plan. DES records indicate that the water system did not submit an Emergency Plan by the March 15, 2003 deadline. DES records show that the water system was sent a second letter, dated March 31, 2003, which noted the failure of the system to submit an Emergency Plan to DES by the March 15, 2003 deadline and requested that the Emergency Plan be submitted by June 30, 2003.

To date, the system has not submitted an Emergency Plan to DES, thus placing the system in violation of Env-Ws 360.14.

DES believes the Emergency Plan violation can be corrected by taking the following action

- 2. By August 28, 2003, submit to DES an Emergency Plan that meets the requirements of Env-Ws 360.14.**

Guidance documents and instructions, along with information for free, on-site assistance are available at <http://www.des.state.nh.us/wseb/EmergencyPlanning/index.asp>. Please contact Johnna McKenna at (603) 271-7017 or by email at jmckenna@des.state.nh.us, if you have any questions regarding the preparation and submission of the Emergency Plan.

In the event compliance is not achieved within the above listed period(s), DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

All the above requested information should be addressed as follows:

Department of Environmental Services
Attn: A. Bailey
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

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If you have any questions concerning this letter, please contact Anne Bailey at (603) 271-0672 or by email at abailey@des.state.nh.us.

Sincerely,

A handwritten signature in cursive script, likely of Anthony P. Giunta, is written over a large, bold, black 'COPY' stamp. The signature is partially obscured by the stamp.

Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

Enclosure: Permit to Operate Application and Contact Information Report

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cc: Gretchen Rule, DES Legal Unit
Health Officer Town of Stratham
Jason Lescalleet, Primary Contact
Keith Malcolm, Primary Operator
(all w/out enclosures)